

- |  |  |
|--|--|
|  |  |
|--|--|
- [Query](#)
  - [Reports](#)
  - [Utilities](#)
  - [Logout](#)

CLOSED

**U.S. District Court  
District of Hawaii (Hawaii)  
CIVIL DOCKET FOR CASE #: 1:09-cv-00321-SOM -LK**

City and County of Honolulu v. U.S. Environmental Protection  
Agency et al  
Assigned to: JUDGE SUSAN OKI MOLLWAY  
Referred to: JUDGE LESLIE E xKOBAYASHI  
Cause: 05:552 Freedom of Information Act

Date Filed: 07/15/2009  
Date Terminated: 02/01/2010  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**City and County of Honolulu**

represented by **Bryan K. Brown**  
Bingham & McCutchen LLP  
355 S Grand Ave Ste 4400  
Los Angeles, CA 90071  
213 680-6628  
Email: bryan.brown@bingham.com  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**James J. Dragna**  
Bingham & McCutchen LLP  
355 S Grand Ave Ste 4400  
Los Angeles, CA 90071  
213 680-6436  
Email: jim.dragna@bingham.com  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Kathleen A. Kelly**  
Office of Corporation Counsel-Honolulu  
530 S King St Ste 110  
Honolulu, HI 96813  
768-5235 (main)  
Email: kkelly@honolulu.gov

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Nancy M. Wilms**  
Bingham McCutchen LLP  
355 South Grand Avenue, Suite 4400  
Los Angeles, CA 90071-3106  
213-680-6400  
*LEAD ATTORNEY  
PRO HAC VICE  
ATTORNEY TO BE NOTICED*

V.

**Defendant**

**U.S. Environmental Protection Agency**

represented by **Bryan Dearing**  
U.S. Department of Justice  
20 Massachusetts Ave. N.W., Rm 7107  
Washington, DC 20001  
(202) 514-3489  
Email: bryan.dearinger@usdoj.gov  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Derrick K. Watson**  
Office of the United States Attorney  
300 Ala Moana Blvd Ste 6100  
Honolulu, HI 96850  
808 541-2850  
Email: derrick.watson@usdoj.gov  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**Lisa P. Jackson**  
*as Administrator of the United States  
Environmental Protection Agency*

represented by **Bryan Dearing**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Derrick K. Watson**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant****Laura Yoshii***as Acting Regional Administrator of the  
United States Protection Agency*represented by **Bryan Dearing**

(See above for address)

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED****Derrick K. Watson**

(See above for address)

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED**

| Date Filed | #                        | Docket Text  |
|------------|--------------------------|--|
| 07/15/2009 | <a href="#"><u>1</u></a> | COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF; Summons against all defendants (Filing fee \$ 350.) - filed by City and County of Honolulu. (emt, ) (Entered: 07/16/2009)   |
| 07/15/2009 | <a href="#"><u>2</u></a> | Order Setting Rule 16 Scheduling Conference for 09:00AM on 10/19/2009 before JUDGE LESLIE E KOBAYASHI - Signed by JUDGE SUSAN OKI MOLLWAY on 7/15/09. (Attachments: # <a href="#"><u>1</u></a> Memo from Clerk Re: Corporate Disclosure Statements)(emt, ) (Entered: 07/16/2009) |
| 07/15/2009 | <a href="#"><u>3</u></a> | Filing fee: \$ 350, receipt number 248285 (emt, ) (Entered: 07/16/2009)  |
| 07/29/2009 | <a href="#"><u>4</u></a> | PROOF OF SERVICE - SUMMONS Returned Executed by City and County of Honolulu. Edward H. Kubo, Jr., US Attorney for the District of Hawaii served on 7/16/09 through Dana Kanoa, Student Clerk on 7/16/09. (emt, ) (Entered: 07/30/2009)   |
| 08/17/2009 | <a href="#"><u>5</u></a> | <i>Defendants' Answer to Complaint for Declaratory and Injunctive Relief; Certificate of Service</i> ANSWER to <a href="#"><u>1</u></a> Complaint by U.S. Environmental Protection Agency, Lisa P. Jackson, Laura Yoshii.(Watson, Derrick) (Entered: 08/17/2009)                 |
| 08/18/2009 | <a href="#"><u>8</u></a> | Pro Hac Vice Filing fee for atty Nancy M. Wilms: \$ 225.00, receipt number 248629 (bbb, ) (Entered: 08/20/2009)  |
| 08/18/2009 | <a href="#"><u>9</u></a> | APPLICATION OF NANCY M. WILMS TO APPEAR PRO HAC VICE;# <a href="#"><u>1</u></a> Declaration of Nancy M. Wilms. Kathleen A. Kelly appearing for Plaintiff City and County of Honolulu. (bbb, ) (Entered: 08/20/2009)  |

|            |                           |  |
|------------|---------------------------|--|
| 08/18/2009 | <a href="#"><u>10</u></a> | ORDER GRANTING <a href="#"><u>9</u></a> Motion to Appear Pro Hac Vice for Nancy M. Wilms to Appear Pro Hac Vice. Signed by Magistrate JUDGE LESLIE E KOBAYASHI on August 18, 2009. (bbb, ) (Entered: 08/20/2009)   |
| 08/18/2009 | <a href="#"><u>12</u></a> | Pro Hac Vice Filing fee for atty Bryan K. Brown: \$ 225.00, receipt number 248630 (bbb, ) (Entered: 08/20/2009)  |
| 08/18/2009 | <a href="#"><u>13</u></a> | APPLICATION OF BRYAN K. BROWN TO APPEAR PRO HAC VICE AND # <a href="#"><u>1</u></a> Declaration of Bryan K. Brown. Kathleen A. Kelly appearing for Plaintiff City and County of Honolulu (bbb, ) (Entered: 08/20/2009)                                       |
| 08/18/2009 | <a href="#"><u>14</u></a> | ORDER GRANTING <a href="#"><u>13</u></a> Motion to Appear Pro Hac Vice for attorney Bryan K. Brown. Signed by Magistrate JUDGE LESLIE E KOBAYASHI on August 18, 2009. (bbb, ) (Entered: 08/20/2009)  |
| 08/18/2009 | <a href="#"><u>16</u></a> | Pro Hac Vice Filing fee for atty James J. Dragna: \$ 225.00, receipt number 248631 (bbb, ) (Entered: 08/20/2009)   |
| 08/18/2009 | <a href="#"><u>17</u></a> | APPLICATION OF JAMES J. DRAGNA TO APPEAR PRO HAC VICE and # <a href="#"><u>1</u></a> Declaration of James J. Dragna. Kathleen A. Kelly appearing for Plaintiff City and County of Honolulu (bbb, ) (Entered: 08/20/2009)                                     |
| 08/18/2009 | <a href="#"><u>18</u></a> | ORDER GRANTING <a href="#"><u>17</u></a> Motion to Appear Pro Hac Vice for atty James J. Dragna. Signed by Magistrate JUDGE LESLIE E KOBAYASHI on August 18, 2009. (bbb, ) (Entered: 08/20/2009)   |
| 08/20/2009 | <a href="#"><u>6</u></a>  | NOTICE by U.S. Environmental Protection Agency, Lisa P. Jackson, Laura Yoshii <i>NOTICE OF ASSOCIATION OF COUNSEL and CERTIFICATE OF SERVICE</i> U.S. Environmental Protection Agency, Lisa P. Jackson, Laura Yoshii. (Dearing, Bryan) (Entered: 08/20/2009) |
| 09/29/2009 | <a href="#"><u>19</u></a> | REPORT of Planning Meeting <i>Joint Report Re Early Meeting of Counsel</i> . (Attachments: # <a href="#"><u>1</u></a> Certificate of Service)(Brown, Bryan) (Entered: 09/29/2009)  |
| 10/12/2009 | <a href="#"><u>20</u></a> | Scheduling Conference Statement <i>Plaintiff City and County of Honolulu's Scheduling Conference Statement</i> . (Attachments: # <a href="#"><u>1</u></a> Certificate of Service)(Brown, Bryan) (Entered: 10/12/2009)  |
| 10/13/2009 | <a href="#"><u>21</u></a> | Scheduling Conference Statement <i>DEFENDANTS' SCHEDULING CONFERENCE STATEMENT and CERTIFICATE OF SERVICE</i> . (Dearing, Bryan) (Entered: 10/13/2009)   |

|            |                    |  |
|------------|--------------------|--|
| 10/19/2009 | <a href="#">22</a> | <p>EP: Rule 16 Scheduling Conference held on 10/19/2009. Bench Trial set for 6/22/2010 09:00 AM before JUDGE SUSAN OKI MOLLWAY. Final Pretrial Conference set for 5/11/2010 09:00 AM before JUDGE LESLIE E KOBAYASHI. Motions due by 2/19/2010. Discovery due by 4/23/2010. (Court Reporter Courtroom 7-No Record) (JUDGE LESLIE E KOBAYASHI)(wnn, )</p> <p>No COS issued for this docket entry</p> <p>(Entered: 10/19/2009)</p>   |
| 10/21/2009 | <a href="#">23</a> | RULE 16 SCHEDULING ORDER - Signed by JUDGE LESLIE E KOBAYASHI on 10/21/09. (emt, ) (Entered: 10/21/2009)   |
| 10/22/2009 |                    | COURT'S CERTIFICATE of Service - a copy of <a href="#">23</a> "RULE 16 SCHEDULING ORDER" has been served by First Class Mail to the addresses of record on October 22, 2009. Registered Participants of CM/ECF received the document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). (emt, ) (Entered: 10/22/2009)   |
| 01/08/2010 | <a href="#">24</a> | MOTION for Summary Judgment ; <i>Certificate of Service</i> Bryan Dearing appearing for Defendants Lisa P. Jackson, U.S. Environmental Protection Agency, Laura Yoshii (Attachments: # <a href="#">1</a> Memorandum in Support of Defendants' Motion for Summary Judgment; LR 7.5 Certificate of Word Count)(Dearing, Bryan) (Entered: 01/08/2010)   |
| 01/08/2010 | <a href="#">25</a> | CONCISE STATEMENT of Facts re <a href="#">24</a> MOTION for Summary Judgment ; <i>Certificate of Service</i> ; LR 7.5 <i>Certificate of Word Count</i> filed by Lisa P. Jackson, U.S. Environmental Protection Agency, Laura Yoshii. (Attachments: # <a href="#">1</a> Declaration of Douglas E. Eberhardt, # <a href="#">2</a> Supplement -- Vaughn Index, # <a href="#">3</a> Exhibit A, # <a href="#">4</a> Exhibit B, # <a href="#">5</a> Exhibit C, # <a href="#">6</a> Exhibit D, # <a href="#">7</a> Exhibit E, # <a href="#">8</a> Exhibit F, # <a href="#">9</a> Exhibit G, # <a href="#">10</a> Exhibit H, # <a href="#">11</a> Exhibit I, # <a href="#">12</a> Exhibit J, # <a href="#">13</a> Exhibit K, # <a href="#">14</a> Exhibit L, # <a href="#">15</a> Exhibit M, # <a href="#">16</a> Exhibit N, # <a href="#">17</a> Exhibit O, # <a href="#">18</a> Exhibit P, # <a href="#">19</a> Exhibit Q)(Dearing, Bryan) (Entered: 01/08/2010) |
| 01/11/2010 | 26                 | <p>NOTICE of Hearing on Motion <a href="#">24</a> MOTION for Summary Judgment ; <i>Certificate of Service</i> :. Motion Hearing set for 2/22/2010 10:30 AM before JUDGE SUSAN OKI MOLLWAY. (tbef, )</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 01/11/2010)</p>  |
| 02/01/2010 | <a href="#">27</a> | STIPULATION FOR DISMISSAL - Signed by CHIEF JUDGE SUSAN OKI MOLLWAY on 2/1/10. (Plaintiff City and County of Honolulu and Defendants United States Environmental Protection Agency, Administrator Lisa P. Jackson and Regional Administrator Jared Blumenfeld, hereby stipulate to the dismissal of this action with prejudice pursuant to Rule 41(a)(1) (A)(ii) of the Federal Rules of Civil Procedure, with each party to bear its own attorneys fees and costs.) (emt, ) (Entered: 02/01/2010)   |

|            |  |   |
|------------|--|---|
| 02/01/2010 |  | COURT'S CERTIFICATE of Service - a copy of <a href="#">27</a> "STIPULATION FOR DISMISSAL" has been served by First Class Mail to the addresses of record on February 1, 2010. Registered Participants of CM/ECF received the document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). (emt, ) (Entered: 02/01/2010) |
|------------|--|---|

|                             |               |                         |                      |
|-----------------------------|---------------|-------------------------|----------------------|
| <b>PACER Service Center</b> |               |                         |                      |
| <b>Transaction Receipt</b>  |               |                         |                      |
| 09/22/2011 11:27:57         |               |                         |                      |
| <b>PACER Login:</b>         | pb0232        | <b>Client Code:</b>     | foiaproj             |
| <b>Description:</b>         | Docket Report | <b>Search Criteria:</b> | 1:09-cv-00321-SOM-LK |
| <b>Billable Pages:</b>      | 4             | <b>Cost:</b>            | 0.32                 |